

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

RAMON DIAZ ALMANZAR, A024301794,

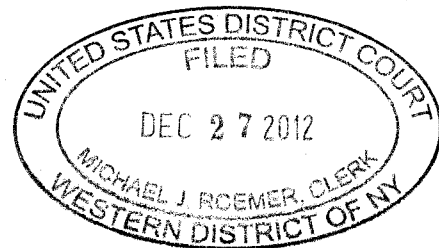
Petitioner,

-v-

DECISION and ORDER
12-CV-1215C

MICHAEL T. PHILLIPS, in his official capacity as
Facility Director of Buffalo Federal Detention Facility;
EDWARD NEWMAN, in his official capacity as
District Director, Buffalo, NY Immigration and Customs
Enforcement; JANET NAPOLITANO, in her official
capacity as Secretary of Department of Homeland
Security; Mr. ERIC HOLDER in his official capacity
as Attorney General of the United States and the
U.S. DEPARTMENT OF HOMELAND SECURITY;

Respondents.



Petitioner Ramon Diaz Almanzar, who is currently detained at Buffalo Federal Detention Facility, seeks relief through counsel pursuant to 28 U.S.C. § 2241 as more fully set forth in the petition and supporting documents. Petitioner has paid the \$5.00 filing fee.

IT HEREBY IS ORDERED as follows:

1. Within **45 days** of the service of this order, respondent shall file and serve an **answer** to the application with the Clerk of Court which shall respond to the allegations of the petition. Alternatively, in the appropriate case, respondent may file a motion to dismiss the petition, accompanied by pertinent exhibits which demonstrate that an answer to the petition is unnecessary, by no later than **45 days** from service of this order.

Respondent also shall file and serve by the above date a **memorandum of law** with the Clerk of Court addressing each of the issues raised in the petition and

including citations of relevant supporting authority. Respondent is directed to accompany all citations to sections of the Immigration and Naturalization Act with reference to the appropriate sections of 8 U.S.C.

Petitioner shall have **25 days** upon receipt of the answer to file a written response to the answer and memorandum of law (or motion to dismiss).

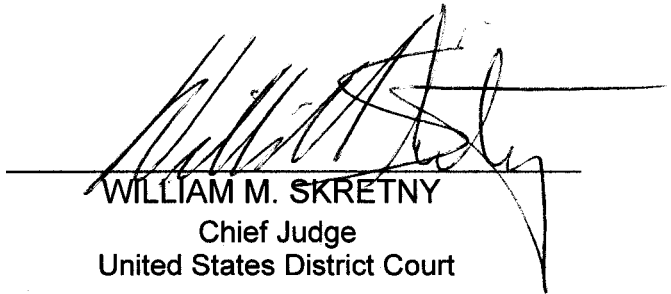
2. The Clerk of Court shall serve a copy of the petition, together with a copy of this order, by certified mail, upon the following:

- Facilities Director, Buffalo Federal Detention Center, 4250 Federal Drive, Batavia, New York 14020;
- Office of General Counsel, Department of Homeland Security, Washington, D.C. 20528;
- Attorney General of the United States, Main Justice Building, 10th and Constitution Avenues N.W., Washington, DC 20530;
- United States Attorney for the Western District of New York, Civil Division, 138 Delaware Avenue, Buffalo, New York 14202.

THE PETITIONER MUST FORWARD A COPY OF ALL FUTURE PAPERS AND CORRESPONDENCE TO THE ATTORNEY APPEARING FOR THE RESPONDENT.

SO ORDERED

Dated: 12/26, 2012
Buffalo, New York


WILLIAM M. SKRETNY
Chief Judge
United States District Court